



Order Filed on October 2, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STEVEN P. KELLY, ESQUIRE
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(COUNSEL FOR MOVANT)

In Re:
Joseph Gordon
Debtor

Wilmington Savings Fund Society, FSB d/b/a Christiana
Trust, Not in it's individual capacity but solely as the
trustee for the Brougham Fund I Trust
Creditor/Movant

v.
Joseph Gordon
(Respondent)

Case Number: 16-27882-CMG

Chapter: 13

Judge: Christine M. Gravelle

ORDER APPROVING STIPULATION/CONDITIONAL ORDER SETTling THE MOTION FOR
RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: October 2, 2018


Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Joseph Gordon

Case Number: 16-27882-CMG

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

Upon the Motion of Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not in its individual capacity but solely as Trustee for Brougham Fund I Trust (Creditor) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d), et al.) for relief from the automatic stay as to certain property, 6 Loveland Lane, Township of Bass River, NJ 08224 ("Property"), and the entry of the Order settling the Motion for Relief and for cause shown, it is hereby ORDERED and DECREED as follows:

1. At the date of this Order, Joseph Gordon ("Debtor") acknowledges that Debtor is due for the following post-petition regular monthly payments from July 1, 2018 to August 1, 2018, as follows:
 - a. Monthly payments total (\$935.63/mo):.....\$1,871.26
 - b. Post-petition suspense balance:.....(\$0.04)
 - c. Attorney Fees:.....\$531.00
 - d. Total arrear as of date of Order:.....\$2,402.22
2. Debtor shall cure the remaining Arrear as in the amount of \$2,402.22 beginning September 1, 2018 as follows:
 - a. \$400.37 plus the monthly payment of \$935.63 totaling \$1,336.00 /6months (09/01/2018 through 02/01/2019)
3. Thereafter, Debtor agrees to continue making the regular monthly mortgage payment.
4. The first post-petition payment due date is September 1, 2018.
5. Payments due in accordance with this Order shall be due on or before the 1st day of each month.
6. Debtor shall make the regular monthly payments required to the Trustee.
7. All payments due to the Creditor from the Debtor are to be made directly to BSI Financial Services, P.O. Box 679002, Dallas, TX 75267-9002 and making sure that Creditor's loan number appears on all payments.
8. In the event that Movant alleges that Debtor has failed to comply with obligations under paragraph 2 through 5 of this Consent Order/Stipulation, BSI Financial Services and/or Counsel may give Debtor and Debtor's counsel notice of the default and if such default is not cured within ten (10) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtor and Debtor's counsel, the Court may grant BSI Financial Services, immediate relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit "A."

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Debtor: Joseph Gordon

Case Number: 16-27882-CMG

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9. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder. In the event Debtor fails to comply with the terms of this Order for more than thirty (30) days, Creditor Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not in its individual capacity but solely as Trustee for Brougham Fund I Trust may submit a certification of default and proposed Order for Relief from the Automatic Stay to the court and serve a copy of such Certification of Default upon the Debtor and Debtor's counsel.
10. Fourteen (14) days after receipt of a Certification of Default, the court will enter an order granting Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not in its individual capacity but solely as Trustee for Brougham Fund I Trust relief from the automatic stay unless the Debtor has filed an objection to the Certification of Default specifying reasons for the objection; in which case the court will set a hearing on the objection.
11. Upon issuance of the aforesaid Order, the parties hereto further agree that Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not in its individual capacity but solely as Trustee for Brougham Fund I Trust may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectionment thereafter.
12. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within ten (10) days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A."



THOMAS E. DOWEY, ESQUIRE
COUNSEL FOR DEBTOR

/s/ Steven P. Kelly, Esq.
STEVEN P. KELLY, ESQUIRE
STERN & EISENBERG, PC
COUNSEL FOR CREDITOR

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
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ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER /STIPULATION

Upon Motion of Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not in its individual capacity but solely as Trustee for Brougham Fund I Trust (Creditor) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, not in its individual capacity but solely as Trustee for Brougham Fund I Trust (Creditor) (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362, et al. to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: 6 Loveland Lane, Township of Bass River, NJ 08224 ("Property")

BY THE COURT

UNITED STATES BANKRUPTCY JUDGE